

## A. REMARKS

Claims 6, 18, 30, 42, 56, 66, 71-76 and 84 have been canceled in this RCE. Hence, Claims 1-5, 7-17, 19-29, 31-41, 43-55, 57-65, 67-70, 77-83 and 85-90 are pending in this application. The amendments to the claims do not add any new matter to this application. All issues raised in the final Office Action mailed September 28, 2006 are addressed hereinafter.

### **REJECTION OF CLAIMS 1-70 AND 77-90 UNDER 35 U.S.C. § 103(a)**

In the final Office Action, Claims 1-70 and 77-90 are rejected under 35 U.S.C. § 103(a) as being anticipated by *Keesey et al.*, U.S. Patent No. 6,622,167 (hereinafter “*Keesey*”) in view of *Zimowski*, U.S. Patent No. 6,832,368. This rejection is moot with respect to canceled Claims 6, 18, 30, 42, 56, 66, 71-76 and 84. It is respectfully submitted that Claims 1-5, 7-17, 19-29, 31-41, 43-55, 57-65, 67-70, 77-83 and 85-90 are patentable over *Keesey* and *Zimowski* for at least the reasons provided hereinafter.

### **CLAIM 1**

Claim 1 is directed to a computer-implemented method for managing data stored in a cache that recites:

“providing a first version of data in response to receiving a first request for data; detecting, independent of any request for the data, that a second more recent version of the data is available; in response to detecting, independent of any request for the data, that the second more recent version of the data is available, storing, in a location other than the cache, a request to retrieve and store in the cache the second more recent version of the data, processing the request to retrieve and store in the cache the second more recent version of the data, if the request to retrieve and store in the cache the second more recent version of the data cannot be processed successfully, then after expiration of a specified time, retrieving from the location other than the cache, the request to retrieve and store in the cache the second more recent version of the data, re-processing the request to retrieve and store in the cache the second more recent version of the data, receiving the second more recent version of the data, and storing in the cache the second more recent version of the data; receiving a second request for the data; and in response to receiving the second request for the data, retrieving the second more recent version of the data from the cache, and

providing the second more recent version of the data.”

It is respectfully submitted that Claim 1 is patentable over *Keesey* and *Zimowski*, considered alone or in combination, because Claim 1 recites one or more limitations that are not taught or suggested by *Keesey* and *Zimowski*. For example, it is respectfully submitted that at least the Claim 1 limitations “in response to detecting, independent of any request for the data, that the second more recent version of the data is available, storing, in a location other than the cache, a request to retrieve and store in the cache the second more recent version of the data, processing the request to retrieve and store in the cache the second more recent version of the data, if the request to retrieve and store in the cache the second more recent version of the data cannot be processed successfully, then after expiration of a specified time, retrieving from the location other than the cache, the request to retrieve and store in the cache the second more recent version of the data, re-processing the request to retrieve and store in the cache the second more recent version of the data” are not taught or suggested by *Keesey* and *Zimowski*.

These limitations of Claim 1 are directed to storing a request to retrieve a more recent version of data in a location other than the cache so that if there is an error or failure of the cache, or an error in processing the request to retrieve the more recent version of data, that the request can be re-processed after expiration of a specified time. It is respectfully submitted that this functionality is not taught or suggested by *Keesey* or *Zimowski*.

*Zimowski* does not describe what happens if a more recent tokenized version of a macro language file 116 cannot be loaded into cache 114 because of an error. It is presumed that the next time the number of threads that are currently executing the macro language file 116 again reaches zero, that the more recent version of the macro language file 116 is loaded into cache 114. There is no indication that a request to retrieve the more recent version of the macro language file 116 is stored in a location other than cache 114 and then re-processed after expiration of a specified time.

*Keesey* does not describe what happens if a requested document is not received at a DSS because of an error. Presumably, a DSS would make a new request the next time the document is needed. There is no indication that a request to retrieve a document is stored in a location other than a DSS and then re-processed after expiration of a specified time.

In view of the foregoing, it is respectfully submitted that neither *Keesey* nor *Zimowski* teach or suggest the limitations relating to storing the request to retrieve the more recent version of the data in a location other than the cache and then re-processing the request after a specified time, i.e., “in response to detecting, independent of any request for the data, that the second more recent version of the data is available, storing, in a location other than the cache, a request to retrieve and store in the cache the second more recent version of the data, processing the request to retrieve and store in the cache the second more recent version of the data, if the request to retrieve and store in the cache the second more recent version of the data cannot be processed successfully, then after expiration of a specified time, retrieving from the location other than the cache, the request to retrieve and store in the cache the second more recent version of the data, re-processing the request to retrieve and store in the cache the second more recent version of the data,” and that Claim 1 is therefore patentable over *Keesey* and *Zimowski*.

#### CLAIMS 2-5 AND 7-12

Claims 2-5 and 7-12 all depend from Claim 1 and include all of the limitations of Claim 1. It is therefore respectfully submitted that Claims 2-5 and 7-12 are patentable over *Keesey* and *Zimowski* for at least the reasons set forth herein with respect to Claim 1. Furthermore, it is respectfully submitted that Claims 2-5 and 7-12 recite additional limitations that independently render them patentable over *Keesey* and *Zimowski*.

#### CLAIMS 13-17 AND 19-24

Claims 13-24 recite limitations similar to Claims 1-5 and 7-12, except in the context of computer-readable media. It is therefore respectfully submitted that Claims 13-17 and 19-24 are patentable over *Keesey* and *Zimowski* for at least the reasons set forth herein with respect to Claims 1-5 and 7-12.

#### CLAIMS 25-29 AND 31-36

Claim 25 recites “detecting, independent of any request for the data, that a second more recent version of the data is available” and “in response to detecting, independent of any request for the data, that the second more recent version of the data is available, storing, in a location other than the cache, a request to retrieve and store in the cache the second more recent version of the data, processing the request to retrieve and store in the cache the second more recent

version of the data, if the request to retrieve and store in the cache the second more recent version of the data cannot be processed successfully, then after expiration of a specified time, retrieving from the location other than the cache, the request to retrieve and store in the cache the second more recent version of the data, re-processing the request to retrieve and store in the cache the second more recent version of the data.” These limitations are recited in Claim 1 and as previously described herein, are not taught or suggested by *Keesey* or *Zimowski*. It is therefore respectfully submitted that Claim 25 is patentable over *Keesey* and *Zimowski* for at least the reasons set forth herein with respect to Claim 1. Claims 26-29 and 31-36 depend from Claim 25 and include all of the limitations of Claim 25. It is therefore respectfully submitted that Claims 26-29 and 31-36 are also patentable over *Keesey* and *Zimowski*.

#### CLAIMS 37-41 AND 43-48

Claims 37-41 and 43-48 recite limitations similar to Claims 25-29 and 31-36, except in the context of computer-readable media. It is therefore respectfully submitted that Claims 37-41 and 43-48 are patentable over *Keesey* and *Zimowski* for at least the reasons set forth herein with respect to Claims 25-29 and 31-36.

#### CLAIMS 49-55, 57 AND 58

Claim 49 recites limitations similar to Claim 1 for storing a request to retrieve a more recent version of data in a location other than the cache so that if there is an error or failure of the cache, or an error in processing the request to retrieve the more recent version of data, that the request can be re-processed after expiration of a specified time, except in the context of a “newer data item” instead of a “second more recent version of the data.” It is therefore respectfully submitted that Claim 49 is patentable over *Keesey* and *Zimowski* for at least the reasons set forth herein with respect to Claim 1. Claims 50-55, 57 and 58 all depend from Claim 49 and include all of the limitations of Claim 49. It is therefore respectfully submitted that Claims 50-55, 57 and 58 are also patentable over *Keesey* and *Zimowski*.

#### CLAIMS 59-65, 67 AND 68

Claims 59-65, 67 and 68 recite limitations similar to Claims 49-55, 57 and 58, except in the context of computer-readable media. It is therefore respectfully submitted that Claims 59-65,

67 and 68 are patentable over *Keesey* and *Zimowski* for at least the reasons set forth herein with respect to Claims 49-55, 57 and 58.

#### CLAIMS 69 AND 70

Claim 69 recites limitations similar to Claim 1 for storing a request to retrieve a more recent version of data in a location other than the cache so that if there is an error or failure of the cache, or an error in processing the request to retrieve the more recent version of data, that the request can be re-processed after expiration of a specified time, except in the context of a “new data” instead of a “second more recent version of the data.” It is therefore respectfully submitted that Claim 69 is patentable over *Keesey* and *Zimowski* for at least the reasons set forth herein with respect to Claim 1. Claim 70 recites limitations similar to Claim 69, except in the context of a computer-readable medium. It is therefore respectfully submitted that Claim 70 is also patentable over *Keesey* and *Zimowski*.

#### CLAIMS 77 AND 78

Claim 77 recites “in response to detecting, independent of any request for the data, that the second more recent version of the data is available, storing, in a location other than the cache, a request to retrieve and store in the cache the second more recent version of the data, processing the request to retrieve and store in the cache the second more recent version of the data, if the request to retrieve and store in the cache the second more recent version of the data cannot be processed successfully, then after expiration of a specified time, retrieving from the location other than the cache, the request to retrieve and store in the cache the second more recent version of the data, re-processing the request to retrieve and store in the cache the second more recent version of the data.” These limitations are recited in Claim 1 and as previously described herein, are not taught or suggested by *Keesey* or *Zimowski*. It is therefore respectfully submitted that Claim 77 is patentable over *Keesey* and *Zimowski* for at least the reasons set forth herein with respect to Claim 1. Claim 78 recites limitations similar to Claim 77, except in the context of a computer-readable medium. It is therefore respectfully submitted that Claim 78 is also patentable over *Keesey* and *Zimowski*.

## CLAIMS 79-89

Claim 79 recites “in response to detecting, independent of any request for the data, that the second more recent version of the data is available, storing, in a location other than the cache, a request to retrieve and store in the cache the second more recent version of the data, processing the request to retrieve and store in the cache the second more recent version of the data, if the request to retrieve and store in the cache the second more recent version of the data cannot be processed successfully, then after expiration of a specified time, retrieving from the location other than the cache, the request to retrieve and store in the cache the second more recent version of the data, re-processing the request to retrieve and store in the cache the second more recent version of the data.” These limitations are recited in Claim 1 and as previously described herein, are not taught or suggested by *Keesey* or *Zimowski*. It is therefore respectfully submitted that Claim 77 is patentable over *Keesey* and *Zimowski* for at least the reasons set forth herein with respect to Claim 1. It is therefore respectfully submitted that Claim 79 is patentable over *Keesey* and *Zimowski* for at least the reasons set forth herein with respect to Claim 1. Claims 80-89 all depend from Claim 79 and include all of the limitations of Claim 79. It is therefore respectfully submitted that Claims 80-89 are also patentable over *Keesey* and *Zimowski*.

## CLAIM 90

Claim 90 recites limitations similar to Claim 1 for storing a request to retrieve a more recent version of data in a location other than the cache so that if there is an error or failure of the cache, or an error in processing the request to retrieve the more recent version of data, that the request can be re-processed after expiration of a specified time, except in the context of a “second more recent version of content” instead of a “second more recent version of the data.” It is therefore respectfully submitted that Claim 90 is patentable over *Keesey* and *Zimowski* for at least the reasons set forth herein with respect to Claim 1.

## CONCLUSION

It is respectfully submitted that all of the pending claims are in condition for allowance and the issuance of a notice of allowance is respectfully requested. If there are any charges, please charge them to Deposit Account No. 50-1302.

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that such contact would be helpful in furthering the prosecution of this application.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



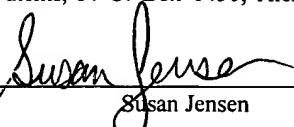
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on January 22, 2007 by 

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